

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:06-cr-107-02

v.

HONORABLE PAUL L. MALONEY

PAUL JEFFERSON BRADDOCK

Defendant.

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MEMORANDUM OPINION AND ORDER

Defendant Paul Jefferson Braddock has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

The United States Probation Office has determined the defendant is not eligible for a reduction of sentence because he was sentenced to the mandatory minimum required by statute in 2008 before the enactment of the Fair Sentencing Act. The Court has reviewed the defendant's response to the report of eligibility (ECF No. 141) and the attachment to the response (ECF

No.142). The Court, however, has no authority to reduce a sentence below the mandatory minimum unless an appropriate motion is filed by the Government. Accordingly, the amendment is of no assistance to the defendant. Therefore,

IT IS HEREBY ORDERED that Defendant Paul Jefferson Braddock's motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 124) is **DENIED**.

Date: December 16, 2014

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge